

wherein reduced pressure in said conduit produces a difference in pressure between said chamber and an exterior of said chamber that is substantially evenly distributed across the membrane, drawing liquid from said holding chamber through said filter into said conduit.

**Remarks**

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-15 are pending in the application, with claim 1 being the only independent claim. Claims 16-21 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claim 1 has been amended to more clearly point out the claimed subject matter. Descriptive support for the amendments to claim 1 are found in the specification as filed. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and they be withdrawn.

*Election/Restrictions*

The Examiner restricted this application to one of two inventions. The Applicants provisionally elected the invention of group I (claims 1-15) in a telephonic election without traverse on February 11, 2003. In this Amendment, the Applicants have duly canceled the remaining claims 16-21 without prejudice or disclaimer.

*Claim Rejections Under 35 U.S.C. § 102*

The Examiner rejected claims 1-4, 6, 7, and 10-15 under 35 U.S.C. § 102(b) as allegedly having been anticipated by the Winter patent (5,277,814). The Applicants respectfully request that the Examiner reconsider this rejection in view of the above amendment, which clarifies the role of the membrane in the invention.

The Examiner wrote that "Winter teaches ... a membrane forming a substantially air tight seal over the chamber (fig 1, col 6 lines 1-6) ...." But Winter's figure 1, as well as the text on col. 6, lines 1-6, demonstrate that the apparatus described in the Winter patent is quite different than that claimed in the instant application. The Applicants assume that the portion of Winter's

figure 1 that the Examiner alleges corresponds to the presently claimed "membrane" is the bubble-like structure over Winter's reaction vessel. But this structure serves an entirely different function than the presently claimed "membrane". The cited text reads in part, "Conducting the process in an isolated or sealed reaction vessel permits tight control of all the products and by-products of the reaction so as to avoid any adverse environmental impact from the process." (Winter, col. 6, lines 3-6). It is evident from this that the bubble structure in figure 1 is simply to keep the potentially toxic contents of the reaction vessel inside the reaction vessel.

The Examiner further wrote that "Winter teaches ... a means for reducing pressure in the conduit for drawing liquid from the chamber through the filter into the conduit (col 6 lines 50-60) ...." The Applicants submit that the cited portion reads in pertinent part, "a pressure differential is impressed on the reaction mixture to promote rapid dewatering .... In a closed reactor, pressure may be applied above the surface of the reaction mixture to assist in the dewatering step." (Winter, col. 6, lines 49-55). Winter does not state how pressure may be applied above the surface of the reaction mixture, and specifically, Winter does not state that pressure is applied by a membrane in substantial contact with the contents of the reaction vessel in a manner that is "substantially evenly distributed across the membrane."

Because Winter neither teaches nor suggests at least this aspect of the invention, Winter does not anticipate the claimed invention or render it obvious. Applicants therefore respectfully request that the Examiner reconsider his rejections under § 102(b) and that they be withdrawn.

#### *Claim Rejections Under 35 U.S.C. § 103*

The Examiner rejected claims 5 and 8 under 35 U.S.C. § 103 as allegedly having been obvious from the Winter patent. The Applicants respectfully submit that Winter neither teaches nor suggests the use of a membrane in substantial contact with the liquid-solids mixture and over which a pressure differential is substantially evenly distributed. The Applicants therefore respectfully request that the Examiner reconsider this rejection and that it be withdrawn.

The Examiner rejected claim 9 under 35 U.S.C. § 103 as allegedly having been obvious from the Winter patent in view of Eichler (5,118,427). The Applicants respectfully submit that Winter and Eichler, either individually or in combination, fail to teach or suggest the use of a membrane in substantial contact with the liquid-solids mixture and over which a pressure

differential is substantially evenly distributed. The Applicants therefore respectfully request that the Examiner reconsider this rejection and that it be withdrawn.

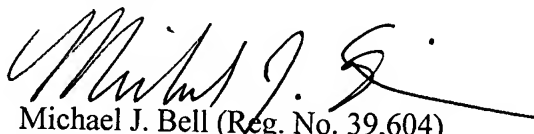
**Conclusion**

Applicants believe that this amendment and reply constitutes a complete response to the Office Action. Applicants further believe that they have adequately provided for any extensions of time or required fees or petitions in order to have this paper considered and/or keep the application pending. However, if extensions of time or any other fees or petitions are necessary, then applicants hereby petition, under 37 C.F.R. § 1.136(a) or any other rule, and the fees therefor (including fees for net addition of claims or other petition fees) are hereby authorized to be charged to our Deposit Account No. 08-3038, referencing docket number 02514.0007.NPUS01.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Michael Stimson at (202) 383-6906.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Please enter the following amendments:

*In the claims:*

1 (amended). An apparatus for reducing the percentage of liquid in a liquid and solids mixture comprising:

- (a) a holding chamber for receiving a liquid and solids mixture,
- (b) a conduit for directing liquid from the liquid and solids mixture away from said chamber,
- (c) a filter separating said conduit from said chamber,
- (d) a membrane forming a substantially air-tight seal over said chamber **and in substantial contact with the liquid and solids mixture**, and
- (e) a means for reducing pressure in said conduit;

wherein reduced pressure in said conduit **[causes] produces a difference in pressure between said chamber and an exterior of said chamber that is substantially evenly distributed across the membrane, drawing** liquid **[to be drawn]** from said holding chamber through said filter into said conduit.